

Chapter 5.08

FEES AND PROCEDURES FOR TRASH COLLECTION, AND THE DISPOSAL OF GARBAGE, TRASH, AND WASTE MATERIALS

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5.08.010 Definitions.

- (1) Garbage. Garbage, within the meaning of this chapter, shall include every waste, including but not limited to rejected food wastes, accumulation of animal, fruit or vegetable matter used or intended for food, or that relates to the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable matter, and shall include and refer to the accumulation thereof at any residence, club, restaurant, hotel, or any other place, including both public and privately owned places.
- (2) Trash. Trash, within the meaning of this chapter, shall mean all nonputrescible solid and semisolid items of waste, including bulky refuse, except for the following:
 - (a) liquids;
 - (b) liquid or water carried wastes which are normally disposed of in sanitary sewer systems;

- (c) hazardous wastes;
 - (d) appliances that contain or contained refrigerant gases;
 - (e) yard waste; and
 - (f) garbage.
- (3) Yard Waste. Yard Waste, within the meaning of this chapter, shall mean grass, weeds, tree limbs and other natural growth generated from gardens and yards.
 - (4) Dumpster. Dumpster, within the meaning of this chapter, shall mean a mechanically emptied storage container larger than a ninety gallon tote to be used for the collection of trash by an independent hauler.
 - (5) Wastewater. Wastewater, within the meaning of this chapter, shall mean the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with such ground, surface, and storm waters as may be present, whether treated or untreated.
 - (6) Tote. Tote, within the meaning of this chapter, shall mean a ninety gallon or less storage container to be used for the collection of trash by an independent hauler.
 - (7) Trash bag. Trash bag, within the meaning of this chapter, shall mean a plastic bag not to exceed forty gallons or thirty pounds.
 - (8) Bulky Refuse. Bulky Refuse, within the meaning of this chapter, shall mean building materials, appliances, furniture, household fixtures, and any other similarly bulky items that do not fit in a trash bag, excluding appliances that contain or contained refrigerant gases. (Ord. 2003-56, S5.08.010, Oct. 22, 2003) (Ord. 1998-32, S5.08.010, 1998) (Ord. 1993-40, S5.09.010, 1993) (Ord. 356, S2, February 14, 1950)

5.08.020 Depositing in public street, sidewalk, etc. It shall be unlawful for any person or firm to throw, put, or place any trash, yard waste, garbage and other unwholesome and waste materials into and upon any of the streets, alleys, gutters, storm sewers, ditches, or sidewalks in the City of Jasper. (Ord. 2003-56, S5.08.020, Oct. 22, 2003) (Ord. 1998-32, S5.08.020, 1998) (Ord. 72, Mar. 5, 1928)

5.08.030 Accumulation on private premises —Receptacles and trash bags. All persons having, making, or accumulating trash, yard waste, or other unwholesome and

waste materials, shall keep the same in trash bags, containers, bundles or totes and they shall empty or dispose of said containers or bags at least one time each week.

No item of bulky refuse may be placed at curbside or at an abutting alley unless the owner thereof has made prior arrangements for the collection thereof by the Jasper Street Department and has placed the appropriate number of authorized trash collection sticker(s) on each item of bulky refuse. The Jasper Street Department reserves the right to not pick up bulky refuse, i.e. items too large to be handled by two Jasper Street Department personnel, upon their inspection.

No yard waste may be placed at curbside or at an abutting alley unless the owner thereof has made prior arrangements for the collection thereof by the Jasper Street Department. In addition, the yard waste must be placed in bags or container and not weigh more than forty pounds. Tree limbs shall be cut into lengths not greater than four feet and must be tied together into bundles weighing not more than fifty pounds. The Jasper Street Department reserves the right to not pick up large pieces and/or quantities of yard waste, i.e. tree trunks, branches, etc., upon their inspection.

It shall be unlawful to set any container larger than a ninety gallon tote in any residential neighborhood, except that dumpsters shall be allowed in a residential area with more than four dwellings per building. A dumpster shall be permitted for temporary use for construction or remodeling on residential property with less than five dwellings per building, not to exceed thirty days. If a dumpster is necessary for more than thirty days, permission must be obtained from the Board of Public Works and Safety before said thirty days has passed. Prior to the placement of a dumpster on a city street or public right-of-way, permission must be obtained from the Board of Public Works and Safety. (Ord. 2003-56, S5.08.030, Oct. 22, 2003) (Ord. 1998-32, S5.08.030, 1998) (Ord. 72, Mar. 5, 1928)

5.08.040 Disposal of wastewater. It shall be unlawful for any person or firm to allow or permit wastewater to enter into and upon any street, alley, sidewalk, storm sewer, ditch or gutter in territory which is served by a sanitary sewer. The same shall be drained and emptied into the sanitary sewer. In territory which is not served by a sanitary sewer, such water shall be properly taken care of on the owner's premises.

This section shall be enforced by the Jasper Wastewater Department. (Ord. 2003-56, S5.08.040, Oct. 22, 2003) (Ord. 1998-32, S5.08.040, 1998) (Ord. 72, Mar. 5, 1928)

5.08.050 Authority of Board of Public Works and Safety to collect. The Board of Public Works and Safety of the City of Jasper is hereby authorized and empowered to regulate the collection of trash, bulky refuse, yard waste, recyclables, other waste materials and the disposal of garbage and food wastes through its City Departments. (Ord. 2003-56, S5.08.050, Oct. 22, 2003) (Ord. 1998-32, S5.08.040, 1998) (Ord. 356, S1, Feb. 14, 1950)

5.08.060 Deposit in public places. It is the intention of this chapter to encourage the disposal of garbage and food waste through garbage grinders and into sanitary sewers. Therefore, it shall be unlawful for the owner, occupant, or lessee of any premises in the City of Jasper to deposit or place any garbage or food waste in any trash bag, alley, street, storm sewer, ditch, gutter, river or other public place within the City of Jasper, or upon or along any public way within the city limits of the City of Jasper. No person shall deposit or place any garbage upon private property outside a residence, restaurant or other place of business, whether owned by such person or not, within the city limits of the City of Jasper. No person may destroy such garbage, food waste, or trash upon his own premises by incineration or otherwise, without first obtaining any applicable required permit allowing that person or firm to do so. (Ord. 2003-56, S5.08.060, Oct. 22, 2003) (Ord. 1998-32, S5.08.060, 1998) (Ord. 356, S3, 1950)

5.08.070 Garbage disposal units. Effective August 19, 1964, the owner of a new dwelling unit containing a kitchen and of each dwelling unit for which a building permit to remodel or add a kitchen is issued, shall cause a garbage disposal unit to be installed therein, prior to final building inspection. (Ord. 2003-56, S5.08.070, Oct. 22, 2003) (Ord. 1998-32, S5.08.070, 1998) (Ord. 563 S6, 1964)

5.08.080 Trash collection services.

- (1) The City of Jasper, acting through the Jasper Street Department, shall provide a curbside or roadside trash collection service to residences located within the City of Jasper with four or less residential units per building. Such trash collection services shall be provided on a weekly basis by the City of Jasper. The times and locations of the collection services shall be determined by the City of Jasper Board of Public Works and Safety.
- (2) The schedule shall be subject to change as necessitated by special circumstances, including but not limited to holidays, special events, weather, or equipment breakdown.
- (3) It shall be the responsibility of the occupants or owners of shopping centers, stores, schools, hospitals, office buildings, commercial businesses, industries, etc., and residential units in excess of four units per building, to provide for the removal of all trash, garbage, yard waste and recyclables so as to comply with this chapter. (Ord. 2003-56, S5.08.080, Oct. 22, 2003) (Ord. 1998-32, S5.08.080, 1998) (Ord. 1993-40, S5.09.20, 1993)

5.08.090 Trash Bags, Bulky Refuse, recycling containers, and fees.

- (1) Trash bags. To be eligible for collection, all trash must be placed in a trash bag, with the exception of bulky refuse. Further, all trash bags must be closed tightly, and no trash bag may be larger than forty gallons or thirty pounds in weight. The trash bag shall have placed thereon an authorized sticker. A bag not in compliance with this chapter will not be collected.

- (2) Bulky Refuse. To be eligible for collection, each individual item of bulky refuse shall have placed thereon the required number of authorized stickers. Bulky refuse not in compliance with this chapter will not be collected.
- (3) Recycling containers. To be eligible for collection of recycled items by the City of Jasper, all items designated by the Board of Public Works and Safety shall be separated and placed in approved separate containers by the residents and shall not require a trash collection sticker.
- (4) Fees. Trash bags shall have placed thereon an authorized sticker to be purchased from the City of Jasper, or its authorized sellers. The price of each sticker shall be a price deemed necessary by the City of Jasper to cover the costs of disposal. The price of each sticker may be adjusted by the Board of Public Works and Safety on an annual basis. In addition, each individual item of bulky refuse shall have placed thereon the required number of authorized stickers, as determined by the Board of Public Works and Safety.
- (5) Revenues. The revenues generated from the sale of stickers, collection of fees, and service charges from trash collection as provided for above shall be deposited into the General Fund of the City of Jasper, Indiana. (Ord. 2003-56, S5.08.090, Oct. 22, 2003) (Ord. 2003-28, S1, June 25, 2003) (Ord. 1998-32, S5.08.090, 1998) (Ord. 1993-40, S5.09.30, 1993)

5.08.100 Requirements for collection of trash bags, bulky refuse and totes. Items which are to be picked up by the City pursuant to this ordinance, or by any independent hauler, shall be placed adjacent to the curb immediately adjacent to the individual's residence or within five feet of the curb or traveled portion of the street prior to 7:00 o'clock a.m. on the date scheduled for said collection, but not earlier than 6:00 o'clock p.m. on the date preceding the scheduled collection. (Ord. 2003-56, S5.08.100, Oct. 22, 2003) (Ord. 1998-32, S5.08.100, 1998) (Ord. 1993-40, S5.09.40, 1993)

5.08.110 Central recyclable disposal areas.

- (1) The City of Jasper may from time to time provide one or more community recyclable disposal areas, where residents and property owners of the City may dispose of their recyclable trash as defined above, in receptacles provided at such locations. If all receptacles are full, no further disposal or deposit of trash by persons shall be permitted.
- (2) Disposal of recyclable items at such locations shall be limited to those days and times as shall be posted at such sites, which may be changed from time to time by the City as deemed necessary. The Board of Public Works and Safety is hereby authorized to temporarily prohibit trash

disposal at such site or sites, if in its opinion, this is necessary to protect such sites or to insure the proper use thereof.

- (3) Trash receptacles in the City of Jasper parks, on public sidewalks, or on City property are not community trash disposal areas. Persons shall not use such facilities for the disposal of trash accumulated at their residence or place of business. (Ord. 2003-56, S5.08.110, Oct. 22, 2003) (Ord. 1998-32, S5.08.110, 1998) (Ord. 1993-40, S5.09.70, 1993)

5.08.120 Unlawful use of containers for trash disposal. It shall be unlawful for any person to use the container of another person, business, or facility for the disposal of trash not generated at the household, or facility owning or possessing the container. (Ord. 2003-56, S5.08.120, Oct. 22, 2003) (Ord. 1998-32, S5.08.120, 1998) (Ord. 1993-40, S5.09.80, 1993)

5.08.130 Penalty. Any person, firm, or corporation who violates any of the provisions, as herein above defined, violating any of the provisions of this chapter shall, upon conviction, be fined not less than Twenty-five Dollars (\$25.00) nor more than Twenty-five Hundred Dollars (\$2,500.00) for the first violation. Second and subsequent violations will result in a fine of not less than Fifty Dollars (\$50.00) nor more than Twenty-five Hundred Dollars (\$2,500.00). Each days operation or maintaining or any part thereof shall be a separate violation.

In addition to the fine imposed in the preceding paragraph, the violator shall also be liable to the City for all damages and expenses incurred by the City by reason of such violation, which shall be established in a civil action brought for such purpose.

In the event that any fines or penalties are not paid by the user or owner of the property within seven days after the fine or penalty is imposed, the amount of the fine or penalty, along with interest at an allowable rate, court costs, and a reasonable attorney s fee, may be recovered by the City of Jasper. This action shall be commenced in an ordinance violation action in the name of the City of Jasper. (Ord. 2003-56, S5.08.130, Oct. 22, 2003) (Ord. 1998-32, S5.08.130, 1998) (Ord. 1993-40, S5.09.90, 1993)

5.08.140 Administrative liability. No officer, agent, or employee of the City of Jasper shall render himself personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the City of Jasper as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the City's Attorney until the final determination of the proceedings therein. (Ord. 2003-56, S5.08.140, Oct. 22, 2003) (Ord. 1998-32, S5.08.140, 1998)

5.08.150 Enforcement. Unless stated otherwise, the Jasper Street Department and/or the Board of Public Works and Safety or their designee shall enforce this ordinance. (Ord. 2003-56, S5.08.150, Oct. 22, 2003) (Ord. 1998-32, S5.08.150, 1998)